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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,931	09/29/2006	Mats Gustavsson	43314-236775	5778
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VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998				
EXAMINER				
FLEMING, FAYE M				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
08/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/594,931

**Applicant(s)**

GUSTAVSSON, MATS

**Examiner**

Faye M. Fleming

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Podszun, et al. (6,150,733) in view of Kobayashi, et al. (EP0778559).

Podszun discloses a device for motor vehicles having a support structure (not shown) adapted to be mounted in the vehicle and a steering wheel 6, which is rotatably connected to the support structure, the device comprising a control unit 10, a sensor device, which is connected to the control unit, wherein the sensor device is adapted to sense vibrations in the steering wheel and to provide a sensor signal related to the sensed vibrations (col. 4, lines 42-47), and an actuator device 13, which is connected to the control unit and adapted to influence the vibrations in the vehicle, wherein the control unit is adapted to control the actuator device, with regard to the sensor signal, to act on the vehicle in such a way that a desired vibration character in the steering wheel is obtained. Podszun teaches a reference sensor (col. 4, lines 42-47) which is connected to the control unit and adapted to sense vibrations via 4 outside the support structure for providing a reference signal to the control unit. Inherently at least one sensor element is adapted to be mounted on the steering wheel and/or support structure.

Podszun discloses the claimed invention except for sensor element arranged to sense engine-excited vibrations and a second sensor element arranged to sense road-excited vibrations.

Kobayashi discloses in Figure 1 an active vibration/noise control system comprising a vibration/noise signal for vibrations and noise such as engine vibrations and road excited vibrations (see col. 3, lines 16-19). Based on the teachings of Kobayashi, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the device of Podszun modified to have signals sent to additional sensors to sense engine vibrations and road excited vibrations to provide additional sound barriers that may be a distraction to a driver of a vehicle.

Podszun discloses the claimed invention except for a control algorithm and an adaptive filter. Kobayashi discloses a control algorithm and an adaptive filter 507. Based on the teachings of Kobayashi, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the device of Podszun modified to have a control algorithm and an adaptive filter to provide an improved system.

3. Claims 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Podszun, et al. (6,150,733) in view Kobayashi, et al. (EP0778559), further in view of Stich (DE10226477).

Podszun in view Kobayashi discloses the claimed invention except for the actuator device adapted to be mounted on the support structure. Stich discloses steering assembly comprising actuators mounted on a steering column wherein the actuators are mounted around the periphery with an angle distance between each other and are uniformly distributed around the periphery. The actuators are adapted to provide a bending movement of the column. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the actuator mounted on the support structure, since changing the location of the device is a

mere design choice and would not change the function of the device. With regards to acting on the support structure, it will inherently act on the support structure that is a steering column and/or support beam as it acts on the steering wheel.

#### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faye M. Fleming/  
Faye M. Fleming  
Primary Examiner  
Art Unit 3616